

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

RECEIVED
OCT 17 1 48 PM '02
COMMUNICATIONS SECTION
OFFICE OF THE COMMISSIONER

EXPERIMENTAL RATE AND SERVICE CHANGES
TO IMPLEMENT NEGOTIATED SERVICE AGREEMENT
WITH CAPITAL ONE SERVICES, INC.

Docket No. MC2002-2

**STATEMENT OF AMERICAN POSTAL WORKERS UNION, AFL-CIO
CONCERNING STATEMENT OF UNITED STATES POSTAL SERVICE
CONCERNING COMPLIANCE WITH FILING REQUIREMENTS AND
MOTION FOR WAIVER**

(October 17, 2002)

The American Postal Workers Union, AFL-CIO ("APWU") opposes the Postal Service's request to incorporate materials from Docket No. R2001-1 to satisfy the filing requirements in the Commission's Rules of Practice and Procedure (Rule 54, 64 and 67), but supports the Postal Service's motion for waiver of those filing requirements. The APWU agrees with the Postal Service that the filing requirements in question, concerning overall costs, volumes and revenues, should be waived for this case concerning the proposed Capital One NSA experiment.

The APWU opposes incorporation of materials from Docket No. R2001-1 in this case or any other. That case, as the Postal Service acknowledges at footnote 1 of its September 19, 2002 motion for waiver, was settled on a non-precedential basis. The data for R2001-1 was outdated when it was submitted, having been developed and prepared prior to September 11, 2001, and was made even more out of date by the anthrax attacks of October, 2001. See Opinion and Recommended Decision Approving Stipulation and Agreement, Docket No. R2001-1, paragraphs 1001 – 1009. Finally, because R2001-1 was not fully litigated, using data from that case may lead to litigation of issues in this case that were not litigated in R2001-1 because of the settlement of R2001-1.

The APWU urges the granting of the Postal Service's motion for waiver in this case as the data is unnecessary for this proposed Capital One NSA

experiment and waiving the requirements will avoid unnecessary litigation on issues that are not relevant to this case.

Respectfully submitted,

A handwritten signature in cursive script, reading "Susan L. Catler".

Susan L. Catler
O'Donnell, Schwartz and Anderson, P.C.
1300 L Street NW Suite 1200
Washington, DC 20005-4126
Telephone: (202) 898-1707
Facsimile: (202) 862-9276
e-mail: scatler@odsalaw.com

Counsel for American Postal Workers Union, AFL-CIO

CERTIFICATION

I hereby certify that I have this date served the foregoing document in accordance with the rules of practice

A handwritten signature in cursive script, reading "Susan L. Catler".

Susan L. Catler
O'Donnell, Schwartz and Anderson, P.C.
1300 L Street NW, Suite 1200
Washington, DC 20005-4126

October 17, 2002